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U.S. Department of Justice

United States Attorney
District of Massachusetts

11.9
(Belleville)
Aerovox

1107 J.W. McCormack Post Office and Court
Boston, Massachusetts 02109

February 17, 1984

Belleville Industries, Inc.
c/o Ronald F. Murphy
Vice President
Aerovox, Inc.
Belleville Avenue
New Bedford, MA 02740

Re: New Bedford Harbor

Dear Mr. Murphy:

Hazardous substances as defined by section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA") have been released into New Bedford Harbor from a facility formerly owned and operated by Belleville Industries, Inc. ("Belleville"), on Belleville Avenue in New Bedford, Massachusetts. The United States has determined accordingly that Belleville is liable as a responsible party under CERCLA § 107.

Representatives of the U.S. Environmental Protection Agency ("EPA") earlier gave Belleville's successor, Aerovox, Inc. ("Aerovox"), notice that Aerovox is a party that might be liable for money expended by the government to take corrective action, and offered to discuss voluntary action by Aerovox to abate the releases. Since Aerovox did not undertake all of the necessary actions, EPA and other agencies are causing the necessary response actions to be performed using funds provided under authority of CERCLA. The costs incurred for these response actions by EPA and other federal agencies currently exceed \$3.5 million. The United States anticipates expending additional funds in the future for additional response actions deemed necessary with respect to the Acushnet River estuary, New Bedford Harbor, and Buzzards Bay.

The releases have caused and are causing damages to natural resources as defined by CERCLA, and within the trusteeship of the National Oceanic and Atmospheric Administration ("NOAA") of the U.S. Department of Commerce. The extent and amount of such damages are currently undetermined or assessed. Notice of NOAA's claim was given to a representative of Belleville on December 9, 1983.

Demand is hereby made upon Belleville for payment of the above-related sum, together with any sums hereafter expended by agencies of the United States upon response action or assessment of damages to

natural resources and together with the sum of the assessed damages to natural resources. If you desire to discuss the matter of the company's liability with the United States, you should contact the undersigned not later than five days after the date of this letter. Your failure to accept the liability is likely to result in the filing of an amended Complaint in the action now pending in the United States District Court for the District of Massachusetts, United States v. AVX, Inc., et al., C.A. No. 83-3882-Mc, to impose and to recover this indebtedness.

By its attorneys,

WILLIAM F. WELD
United States Attorney

By: *RAC*
RALPH A. CHILD
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